

REMARKS

Claim 1 has been amended to incorporate the features of claim 28 and therefore no additional searching is required. In addition, the amendment puts the claims in condition to be allowed or in better condition for an appeal.

All the pending claims were rejected as being unpatentable in view of US 6,432,547 to Kroll. Applicants respectfully traverse.

Kroll teaches a film that includes a thermoplastic polymer compounded with at least one diluent or a radiation curable composition. The Examiner acknowledges that Kroll does not disclose stretching the film, but contends that "pulling or spreading out the film of Kroll to its' full extent or to a greater size is within the level of ordinary skill in the art". What the Examiner is not recognizing is that Kroll begins with a layer having a conventional film thickness, for example from about 0.8 to about 2 mils (col. 2, lines 19-20). Stretching the Kroll film will diminish its thickness to an amount that may very well be less than Applicants' claimed thickness. One of skill in the art, however, would not know because as the Examiner admits, Kroll does not teach stretching the film to provide a particular thickness.

Moreover, Kroll teaches that the resulting barrier layer (which, as noted above, has a conventional thickness between about 0.8 and 2 mils) has a water vapor transmission rate of from 1000 to 2000 g/m²/day. Kroll, however, does not teach any water vapor transmission rate after its film has been stretched. In fact, Kroll cannot teach or suggest any property resulting from the stretching because as the Examiner admits, Kroll does not teach stretching.

As demonstrated in Example 7 of the present specification it is the stretching that unexpectedly and surprisingly provides the claimed breathability as compared to an unstretched film. Put another way, the fact that the water vapor transmission rate of the Kroll **unstretched** film taught in Kroll falls within the water vapor transmission rate range of the claimed **stretched** film, does not teach or suggest the present invention. Indeed, upon reviewing Example 7 of the present specification, one skilled in the art would understand that Kroll cannot and does not teach or suggest the presently claimed film having a particular thickness and a particular water vapor transmission rate.

Applicants believe the present claims are allowable and respectfully request allowance of the application. The Examiner is invited to contact the undersigned attorney at (312) 321-4276 to resolve any outstanding issues.

Respectfully submitted,



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